

**RMSAWWA/RMWEA Joint Small
System Committee Seminar
Montrose, Colorado**

AUGUST 29, 2012



COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Facility Operator Certification
Compliance Assurance Section
Water Quality Control Division

303-692-3510

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Jackie Whelan

Supervisor

Facility Operator Certification

- **Introduction**
- **Water and Wastewater Facility Operator Certification Board (WWFOCB) “the Board”**
- **Regulation 100, 5 CCR 1003-2**
- **Operator responsibilities overview**
- **Enforcement vs. disciplinary action**
- **Who to call**
- **More information**
 - **Program overview**

Regulated Facilities

- 800 Community Systems (Year-Round Residential Users)
- 200 Non-Transient Non-Community (NTNC) Water Systems (Schools, Workplaces, etc.)
- 1000 Transient Non-Community (TNC) Water Systems (Camps, Restaurants, Resorts, etc.)
- 600 Domestic WW permitted facilities
- 1200 Industrial WW permitted facilities
- 6000-8000 Storm Water Permits

**WATER AND WASTEWATER FACILITY
OPERATORS CERTIFICATION BOARD
(WWFOCB)**

**STATUTORY AUTHORITY
SECTIONS**

**25-9-101 THROUGH 25-9-110
C.R.S.**

To assure adequate operation of water and wastewater facilities, and to preserve the public peace, health, and safety, and to require each water and wastewater facility to be under the supervision of a certified operator

Regulation 100

5 CCR 1003-2

Water and Wastewater
Facility Operators
Certification Requirements

CHANGES TO REGULATION 100 RECENT AND LOOKING FORWARD AUGUST 2012

Sequential Testing Change

❖ Effective Date: January 30, 2012

Industrial ww, late fees, timely appeals, HS examinees, admin changes, renamed certifications S & T, etc.

❖ Effective Date: June 30, 2012

Looking Ahead

Over the last year the Board has requested the Division make recommendations for changes for:

1. Definition in regulation and statute of Board and delegated tasks to the Division and contractors
2. ORC requirement for pretreatment permitted facilities and possible exemption under 100.6

3. Clarification of exam requirements for revoked certificates
4. Evaluation of stormwater permitted facilities and ORC requirements
5. *Uniformed Services Employment and Reemployment Rights Act (USERRA)*
6. Evaluate entry level experience and possible operator in training (OIT) provisions

7. Delegation of Duties to facility staff

- Uncertified Personnel
- Staff with certification below the classification of the facility
- Staff with certification at or above classification of the facility, but not the ORC
- Develop guidance documents and templates

8. Facility Classification Criteria

3 Groups of Changes

Items 1-5, 7

- ❖ Notices and Proposal June 2013
- ❖ Rulemaking Hearing September 2013

Item 6

- ❖ Postponed till 2015

Item 8

- ❖ Notices and Proposal June 2014
- ❖ Rulemaking Hearing September 2014

What Else is Happening?

1. Update 1997 Design Criteria for Potable Water Systems
2. CPDWR Readability Rulemaking
3. DMR Guidance Document on web
4. AquaTalk—new section “Operator Tips” submit tips to:

Jacki Main

303-692-3665

jacki.main@state.co.us

New Web Site

- www.colorado.gov/cdphe-wq
- Old address will redirect to division main page
- New facility operator page with new features
 - List of ORCs by water system or wastewater facility
 - List of contract operators
 - Feedback is welcome
 - What's missing
 - Clarification and corrections



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Water Quality Control Division



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Welcome to the Water Quality Control Division

Protect and restore water quality for public health and the environment.



Contact Us



Emergency Response



Calendar



What's New



Where
do I
start?



I'm Looking for Information On:

- Fees
- Sewage Systems
- Construction Sites
- Commerce and Industry
- Municipal Stormwater - MS4
- Drinking Water Systems
- Wells & Aquifers (ground water)
- Animal Feeding Operations
- Rivers, Lakes and Streams (surface water)
- Cool Main Page



Services:

- Grants and Loans
- Permits
- Compliance
- Water Quality Planning
- Facility Design and Approval
- Facility Operator Certification
- Source Water Assessment and Protection
- Assistance and Information for Public Water Systems



Public Notification & Information

- Enforcement Actions, Policies and Guidance
- Permit Actions
- Regulations
- Environmental Assessments
- 401 Certifications Public Notices - State Certification of Federal Actions
- Total Maximum Daily Loads



Regulations, Policies, and Guidance

- Regulations
- Policies
- Guidance



Public Education Material

- Information for Consumers - Drinking Water
- Colorado's Fish Consumption Program
- How do I get / submit data?



Quick Links

- Forms, Applications, and Templates
- GIS Data and Maps



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Services

The Water Quality Control Division is organized into Safe Drinking Water, Clean Water (includes Water Pollution Control and Watershed Programs), and Operations Programs.

- The Safe Drinking Water Program provides compliance oversight, assistance, support, and training to public drinking water systems so they provide safe drinking water to the public.
- The Clean Water Program activities include monitoring and assessing Colorado's water quality, establishing protective water quality standards in accordance with scheduled frequency set by the Water Quality Control Commission, providing discharge permits that are protective of the established standards and providing compliance oversight, technical and financial assistance for facilities. The protection, maintenance and restoration of Colorado's water resources is managed by the Watershed and Water Pollution Control Programs.
- The Operations Program supports the Division by providing fiscal and budgetary services, data and records management, and Information Technology Support. In addition, the Administration Program staff provides financial and technical support for drinking water, wastewater and non point source infrastructure through State Revolving Loan Funds.



EXAM CYCLES 2012

EXAM APPLICATION DEADLINES:

March 1, July 1, and November 1

Sequential for all Levels



ORC Responsibilities

Section 100.18.1

- No owner of a water or wastewater facility shall allow the facility to be operated without the direct supervision of an operator in responsible charge certified in a classification equivalent to or higher than the classification of the facility as specified in sections 100.4 through 100.8.

“Direct supervision” means that the operator in responsible charge has supervisory responsibility and authority with respect to the operation of the water or wastewater facility and for the activities and functions of other facility operators.

Sections 100.18.1 and 100.30

Each owner of a water or wastewater facility shall ensure that all process control and/or facility integrity decisions about water quality or quantity or wastewater effluent quality or quantity that may affect public health or the environment are made by either an operator in responsible charge or by another certified operator. This operator must be certified at a level equal to or higher than that of the facility.

Nothing in Regulation 100
undermines the owner's or
permittee's legal responsibility for
compliance with all regulations nor
does it shift that responsibility to
the certified operator

The ORC has supervisory responsibility for the operation of a facility, but Regulation 100 does not give you authority to overrule, ignore, or be insubordinate to your supervisor, city council, district manager, etc. even if they are not certified operators.

It is expected that you would explain to your supervisor, etc. the consequences of decisions that would have immediate negative impact to the integrity of the plant or jeopardize public health or the environment, but ultimately the owner/permittee would have legal responsibility for any violations that might occur.

- The operator in responsible charge of a water or wastewater facility must hold a valid certificate equal to or greater than the classification of the water or wastewater facility he or she operates.
- The operator in responsible charge shall protect the public health and the environment in the conduct of his or her duties. These duties shall include the following:

- the management or administration of the operation of the water or wastewater facility;
- the accountability for the proper operation and maintenance of the water or wastewater facility for compliance with applicable regulations and/or permit requirements, including monitoring and reporting requirements;

- the control of, supervision over, or active participation in the daily planning, operation or maintenance of a water or wastewater facility;
- authority and/or power to make day-to-day process control and system integrity decisions on the operation and maintenance of the water or wastewater facility;

- the availability to make decisions and initiate actions regarding the operation of the water or wastewater facility in a timely manner;
- The performance of other functions of direct responsibility identified in certified operator duties

Board Policy on the Delegation of Tasks to Uncertified Personnel (Moving to Regulation)

- Routine tasks, delineated by a written operating plan, may be delegated to uncertified personnel.
- Such tasks may be performed by the uncertified operator even if a certified operator is not on-site.

- The operating plan must be very clear in defining the limits of such tasks.
- Any operational activity beyond these limits requires the immediate and direct consultation with and participation of a certified operator.

- The operator in responsible charge remains accountable for the consequences of the performance of such tasks by the uncertified personnel under his or her charge.
- In no case may an uncertified person make any operational decision that might affect water quality or quantity or that might affect the public health or the environment.

Disciplinary Action vs Enforcement Action

Disciplinary Actions - Operator

**Disciplinary action is taken by
the Board for certified
operator misconduct.**

Disciplinary Actions are posted on the Board's web site at:

<http://www.colorado.gov/cdphe>

Notice of Violation– Owner

Formal enforcement action taken against the owner or permittee for violations of the Colorado Primary Drinking Water Regulations or Regulation 61 or facility permit or Regulation 100.

- Enforcement actions are posted to the web at:
<http://www.colorado.gov/cdphe>
- Follow enforcement actions on twitter; go to
http://twitter.com/#!/WQCD_Enforce to sign-up

Division FOC Staff

- **Jackie Whelan, Supervisor**

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- **Lori Moore, Compliance Specialist**

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lori.moore@state.co.us

Operator Certification Program Office

OCPO

Send ALL: Test, renewal, and reciprocity applications; fees; personal address changes; training unit approval requests to:

Operator Certification Program Office
2170 South Parker Road, Suite 290
Denver CO 80231

Phone: 303-394-8994

www.ocpoweb.com

When in Doubt Call the Division

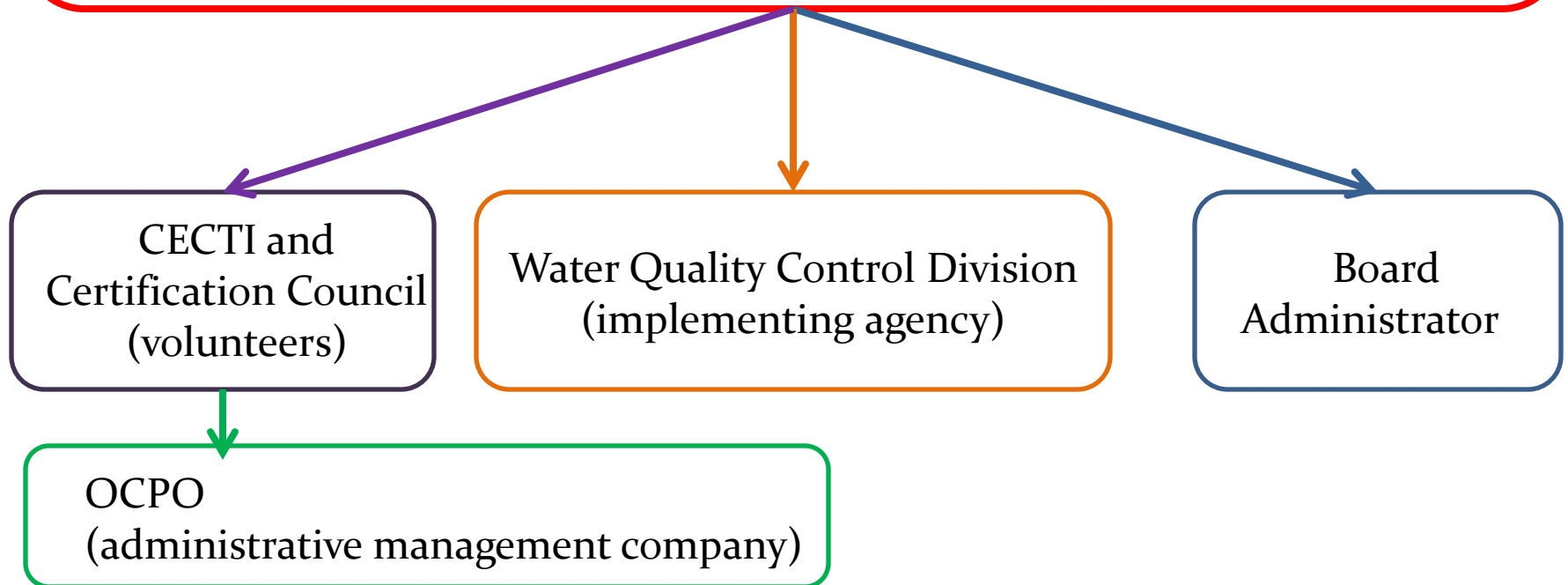
**24 Hour Environmental Release
Incident Report Line**

1-877-518-5608

THANK YOU!

Facility Operator Certification Program

Water and Wastewater Facility Operator Certification Board -- a section of the Division of Administration within the Colorado Department of Public Health and Environment



BOARD'S SUB-CONTRACTORS

CECTI and Certification Council

Evaluation of all applications for certification by examination, certification by reciprocity, and renewal of certification

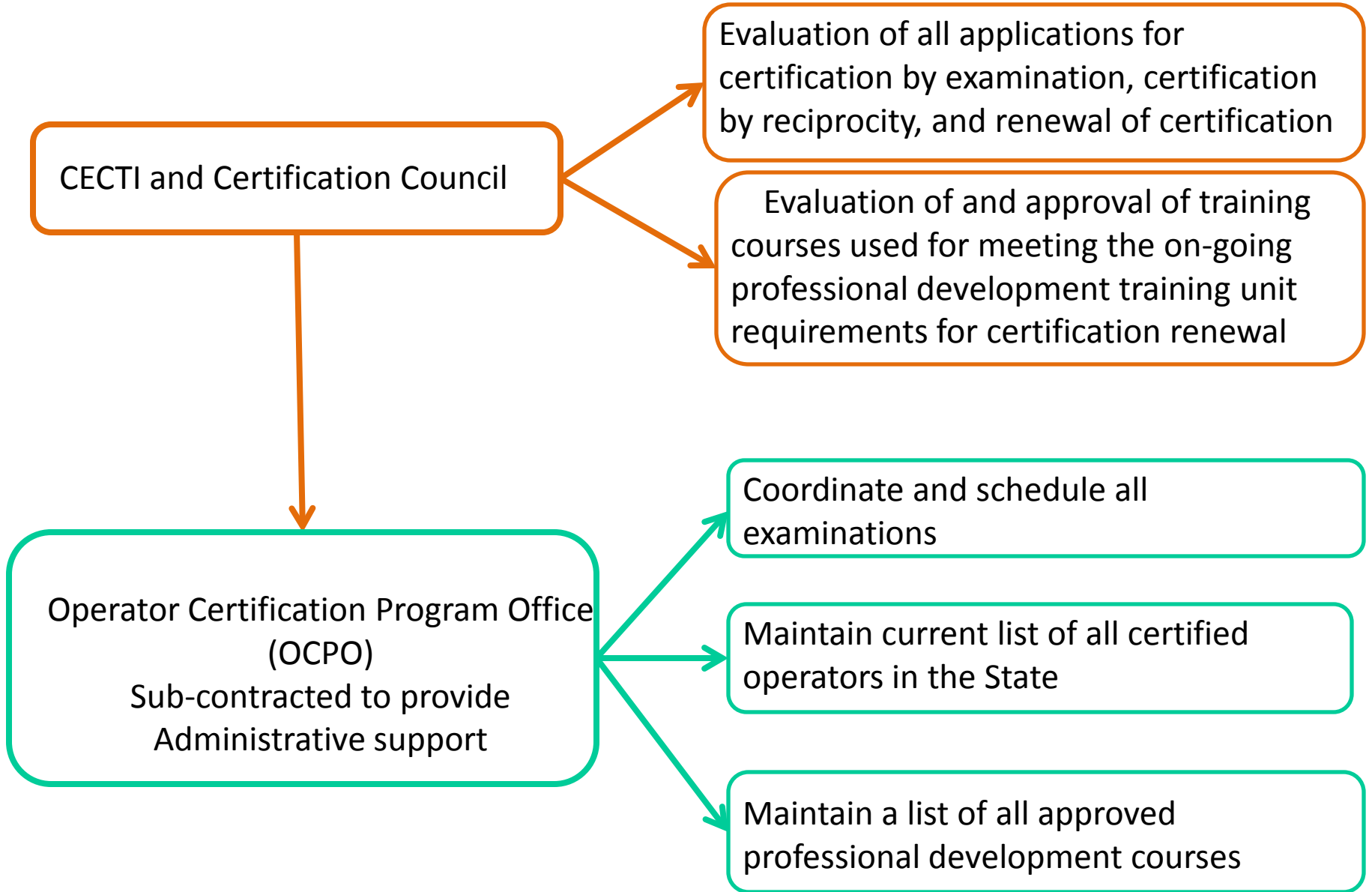
Evaluation of and approval of training courses used for meeting the on-going professional development training unit requirements for certification renewal

Operator Certification Program Office
(OCPO)
Sub-contracted to provide
Administrative support

Coordinate and schedule all examinations

Maintain current list of all certified operators in the State

Maintain a list of all approved professional development courses



WATER QUALITY CONTROL DIVISION

Track facilities with industrial Class 2 exemptions

Classify all water and wastewater facilities in the state

Maintain the inventory of water and wastewater facilities and the operator designated as the ORC

Formal enforcement, with penalties, for owners and permittees operating without an ORC

Staff to the Board- drafting regulations & policy, meeting with the Board and contractors, coordinating the Sunset Review, etc.

investigations of allegations of wrong-doing made against a certified operator, including the actual fact-finding, document preparation, and presentation to the WWFOCB

Encourage and support professional development